

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34608

STATE OF IDAHO,)	2008 Unpublished Opinion No. 497
)	
Plaintiff-Respondent,)	Filed: June 9, 2008
)	
v.)	Stephen W. Kenyon, Clerk
)	
PHILIP DALE LAROQUE,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Minidoka County. Hon. R. Barry Wood, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Sara B. Thomas, Chief, Appellate Unit, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

PER CURIAM

Philip Dale Laroque was charged with felony driving under the influence of alcohol, and transporting an open container and pursuant to a plea agreement, pled guilty to felony driving under the influence of alcohol, I.C. §§ 18-8004, 18-8005(5). The district court sentenced Laroque to a unified term of ten years, with four years determinate, and imposed a fine of \$3,000. Laroque filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Laroque appeals, contending that the district court abused its discretion by denying his Rule 35 motion.

A Rule 35 motion is a request for leniency which is addressed to the sound discretion of the sentencing court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information

subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by denying Laroque's Rule 35 motion for reduction of sentence. Accordingly, the order of the district court denying Laroque's Rule 35 motion is affirmed.